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Attorneys for Defendant and Cross-Complainant
PAULEY CONSTRUCTION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SIFA TUIAKI and LUPE TUIAKI,

Plaintiffs,

v.

PACIFIC GAS AND ELECTRIC
COMPANY, PAULEY
CONSTRUCTION, INC., TRAFFIC
SOLUTIONS, INC., ADELPHIA
TELECOMMUNICATIONS CO., INC.,
SBC TELECOMMUNICATIONS, INC.,
MOBILE TOOL INTERNATIONAL, INC.
dba TELSTA, COUNTY OF
MENDOCINO, STATE OF
CALIFORNIA, PACIFIC BELL
TELEPHONE COMPANY, PACIFIC
TELESIS GROUP, SBC OPERATIONS,
INC., and DOES 1 to 50,

Defendants.

AND RELATED CROSS-ACTION.

CASE NO.: C07 2257 JCS

**PAULEY CONSTRUCTION, INC'S.
REQUEST FOR JUDICIAL NOTICE RE:
MOTION TO DISMISS [F.R.C.P. 12(b)(6)]**

Date: June 22, 2007
Time: 9:30 a.m.
Location: Courtroom A, 15th Floor
Judge: Magistrate Judge
Joseph C. Spero

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA:**

Pursuant to Federal Rule of Evidence 201(b), NOW COMES Pauley Construction, Inc.
("Pauley") by and through its attorneys, Clapp, Moroney, Bellagamba and Vucinich, and request that

1 this Court take Judicial Notice of the files, including the following specified pleadings and documents
2 from, *Sifa Tuiaki and Lupe Tuiaki v. Pacific Gas and Electric Company, et al.*, San Francisco Superior
3 Court Case No. CGC-03-419761 (Consolidated with 04-432476), in support of its motion to dismiss.

4 1. Adelphia's Second Amended Cross-complaint, served on March 16, 2007 in the
5 San Francisco Superior Court Action No. CGC-03-419761 (Consolidated with 04-432476).

6 2. February 20, 2007, Court order granting Pauley's unopposed motion for good faith
7 settlement confirming the settlement between Pauley, S.G. Barber and Plaintiffs and ruling that any
8 and all actual and/or potential claims by Plaintiffs, Defendants, Cross-complainants, Cross-defendants,
9 and by any other actual or potential party against any of the parties to the settlement by any joint
10 tortfeasor or co-obligor for equitable comparative contribution or partial or comparative indemnity
11 based on comparative negligence or comparative fault are forever barred. (Attached hereto as
12 "**Exhibit 1.**")

13 3. August 2, 2006, Court order denying Adelphia's Motion for Summary Adjudication
14 seeking to compel Pauley to defend and indemnify it pursuant to the terms of the July 7, 2000 contract.
15 (Attached hereto as "**Exhibit 2.**")

16 4. June 14, 2004, Stipulation and Agreed Order Granting Sifa and Lupe Tuiaki Partial
17 Relief From the Automatic Stay To Initiate Action Against Third Party Insurance Proceeds in the
18 United States Bankruptcy Court, Southern District of New York Case No. 02-41729(REG). (Attached
19 hereto as "**Exhibit 3.**")

20 Courts may take judicial notice of facts "[g]enerally known within the territorial jurisdiction
21 of the trial court, or... [c]apable of accurate and ready determination by resort to sources whose
22 accuracy cannot reasonably be questioned." (F.R.E. 201(b).) The docket entries noted above are
23 readily available through the San Francisco Superior Court web site <http://www.sftc.org/> and easily
24 verifiable by this Court.

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1 DATED: May 14, 2007

CLAPP, MORONEY, BELLAGAMBA
and VUCINICH

2
3 By: _____

JEFFREY M. VUCINICH

JOSHUA W. ROSE

Attorneys for Defendant/Cross-Complainant/
Cross-Defendant PAULEY CONSTRUCTION,
INC.